

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Federal-State Joint Board on Universal Service)	
)	
Petition of TracFone Wireless for Forbearance from)	CC Docket
96-45		
47 U.S.C. § 214(e)(1)(A) and 47 C.F.R. § 54.201(i))	
)	
TracFone's Plan for Compliance with Conditional)	DA 05-2946
Forbearance Order)	

COMMENTS OF NENA

The National Emergency Number Association ("NENA") hereby responds to the Commission's invitation to comment¹ on the TracFone plan for compliance with the captioned conditional Forbearance Order.² TracFone seeks to vary from the Forbearance Order in two ways of principal concern to NENA:

- That it be permitted to self-certify to the availability of 9-1-1 and enhanced 9-1-1 ("E9-1-1") services, rather than obtain certifications from affected PSAPs; and
- That it be permitted to offer Lifeline service in areas where only basic wireless 9-1-1 service exists.

¹ DA 05-2946, released November 8, 2005.

² *Federal-State Joint Board on Universal Service, Petition of TracFone Wireless, Inc. for Forbearance from 47 U.S.C. § 214(e)(1)(A) and 47 C.F.R. § 54.201(i)*, CC Docket No. 96-45, Order, FCC 05-165 (rel. Sept. 8, 2005) ("Forbearance Order").

Advance contact with the PSAP is critical. NENA does not object to the use of underlying carrier quarterly reports as the source of information about the availability of 9-1-1 services. However, there is another purpose to the originally-ordered PSAP certification that needs to be maintained. That is, TracFone must let the affected PSAPs know in advance that its Lifeline service is being offered in their areas. This required contact will allow the PSAP to ascertain how TracFone, or any other entity with customer information, may be reached at any hour of any day, in the event a 9-1-1 call is interrupted or broken off. Typically, a PSAP will be seeking at least a customer's name and billing address.

Accordingly, NENA requests that TracFone be asked to verify that it has consulted with each PSAP in the areas it is permitted to serve, and that the PSAP has been given 24-hour contact information that will allow it to secure essential customer information. This verification will have the added benefit of turning up any discrepancies between the status of 9-1-1 deployment as known to the PSAP and the status in the latest quarterly report of an underlying carrier.

Wireless basic 9-1-1 is no substitute for wireline E9-1-1. NENA believes the Commission was correct in restricting TracFone's new service to areas equipped for wireless E9-1-1. We have moved beyond the point where we can be satisfied with wireless basic 9-1-1 if wireline enhanced 9-1-1 is available. While the result may be a temporary commercial disadvantage for TracFone, we must look to the overall balance of public safety costs and benefits. That balance is better struck, we

believe, by ensuring customer access to E9-1-1 in whatever mode. This is all the more true where public subsidies are involved.

Respectfully submitted,

NENA

By _____

James R. Hobson

Miller & Van Eaton, P.L.L.C.

1155 Connecticut Avenue, N.W.,

#1000

Washington, D.C. 20036-4320

(202) 785-0600

December 12, 2005

ITS ATTORNEY

Certificate of Service

The foregoing Comments of NENA were served today by electronic mail on TracFone's counsel.

December 12, 2005

James R. Hobson